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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Francis W. Sullivan
Serial No.: 10/643,854
Filing Date: 08/19/2003
For: COMPOSITIONS FOR PRODUCING ARCHITECTURAL CEMENTITIOUS STRUCTURES HAVING DECORATIVE AGGREGATE-CONTAINING CEMENTITIOUS SURFACES AND PROCESSES THEREFOR
Art Unit: 1731
Examiner: Carlos N. Lopez

The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Office Action of 08/30/2004 in which the Examiner imposed a restriction of claims and required the applicant to elect claims for examination. The Examiner stated that restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, claims 1-30, drawn to a matrix composition, classified in class 106, subclass 31.95

Group II, claims 31-34, directed to a process for making monolithic architectural cementitious structure, classified in class 264, subclass 31.

The applicant hereby elects Group I, claims 1-30.

CERTIFICATION OF MAILING

I, F. Eugene Logan, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on 9-30-04 by F. Eugene Logan. Date Signed: 9-30-04 Signature: F. Eugene Logan

The Examiner further states that application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, drawn to a cementitious matrix composition.

Species B, drawn to a decorative aggregate-containing cementitious slurry.

The Examiner further requires the applicant to elect a single species for prosecution on the merits to which the claims shall be restricted if Group I is selected; and that currently no claims are generic.

The applicant hereby elects Species A drawn to a cementitious matrix composition as set forth in claims 1-24. A listing of all claims readable on Species A is, therefore, claims 1-24.

Non-elected claims 25-30 are directed to a decorative aggregate-containing cementitious slurry and are the non-elected species.

Accordingly, applicant believes that he has fully complied with the Examiner's requirements for election of claims to be examined on the merit.

The applicant, however, would like to ask if the Examiner would include examination of claims 25-30 if rewritten in dependent form upon independent claims 1, 2 and 24 since if those independent claims were allowable, it would follow that such dependent claims would also be allowable and another search would not be believed to be necessary.

The Examiner is invited to call the undersigned attorney if an early submission of such dependent claims as suggested above by the applicant would be helpful in expediting the prosecution of this application.

Respectfully submitted,



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